

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

CEMENT MASONS PENSION FUND, LOCAL	)	
502; CEMENT MASONS INSTITUTE OF	)	
CHICAGO, ILLINOIS; CEMENT MASONS	)	
SAVINGS FUND, LOCAL 502; and CEMENT	)	
MASONS APPRENTICE EDUCATION	)	
AND TRAINING FUND, LOCAL 502,	)	No. 08 C 1473
	)	
Plaintiffs,	)	Judge Shadur
	)	
v.	)	Magistrate Judge Keys
	)	
LANAS CONSTRUCTION, INC.,	)	
an Illinois corporation,	)	
Defendant.	)	

**MOTION FOR ORDER OF DEFAULT AND JUDGMENT IN SUM CERTAIN**

Plaintiffs, by one of their attorneys, DONALD D. SCHWARTZ and ARNOLD AND KADJAN, pursuant to F.R.C.P. 55, respectfully request this Honorable Court to enter an Order of Default as to liability and Judgment in favor of Plaintiffs and against Defendant, LANAS CONSTRUCTION, INC.

In support thereof, Plaintiffs state:

1. This case was filed on March 12, 2008.
2. Defendant was served with Summons and Complaint on June 12, 2008 (Exhibit A).
3. In excess of 20 days have expired since Service of Process, however, Defendant has failed to file an answer or otherwise plead.
4. Per the affidavit of Richard Wolf, Defendant owes Cement Masons Local 502 for the audit period January 1, 2005 through December 31, 2007 \$11,420.18 benefits, \$1,713.03 liquidated damages, and \$680.00 audit costs for a total of \$13,813.21. (Exhibit B)
5. Per the affidavit of Donald Schwartz, attorney for Plaintiffs in legal fees and

expenses \$1,300.00 has been incurred in this suit. (Exhibit C)

**WHEREFORE**, Plaintiffs pray for:

1. An Order of Default against the Defendant.
2. Judgment be rendered in the amount of \$15,113.21 for the Trustees of the Cement

Masons Pension Fund Local 502, et. al.

Respectfully submitted,

**TRUSTEES OF THE CEMENT MASONS  
PENSION FUND, LOCAL 502, et. al.**

By: s/ Donald D. Schwartz  
One of their Attorneys

Donald D. Schwartz  
**ARNOLD AND KADJAN**  
19 West Jackson Blvd.  
Chicago, Illinois 60604  
(312) 236-0415

AO 440 (Rev. 05/00) Summons in a Civil Action

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

SUMMONS IN A CIVIL CASE

TRUSTEES OF THE CEMENT MASONS PENSION  
FUND LOCAL 502, et al.

Plaintiffs,

V.

LANAS CONSTRUCTION, INC., AN ILLINOIS  
CORPORATION

Defendant.

CASE NUMBER:

ASSIGNED JUDGE:

**08 C 1473**

DESIGNATED

MAGISTRATE JUDGE

**JUDGE SHADUR  
MAGISTRATE JUDGE KEYS**

TO: (Name and address of Defendant)

LANAS CONSTRUCTION, INC.  
c/o its registered agent, Jeffrey Lanas  
452 Fairfax Lane  
Grayslake, IL 60030

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Donald D. Schwartz  
Arnold and Kadjan  
19 West Jackson Blvd., Suite 300  
Chicago, IL 60604  
(312) 236-0415

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

MICHAEL W. DOBBINS, CLERK

Michael W. Dobbins, Clerk

  
\_\_\_\_\_  
(By) DEPUTY CLERK

March 12, 2008

Date



*Exhibit A.*

AO 440 (Rev. 05/00) Summons in a Civil Action

### RETURN OF SERVICE

Service of the Summons and complaint was made by me<sup>(1)</sup> **DATE** JUNE 12, 2008 AT 10:00PM  
**NAME OF SERVER (PRINT)** SCOTT POCIUS **TITLE** INVESTIGATOR

Check one box below to indicate appropriate method of service

☒ Served personally upon the defendant. Place where served: LANAS CONSTRUCTION, INC C/O ITS REGISTERED AGENT -  
JEFFERY LANAS AT HIS  
RESIDENCE - 452 FAIRFAX LANE, GRAYS LAKE, IL 60030

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: \_\_\_\_\_

☐ Returned unexecuted: \_\_\_\_\_

☐ Other (specify): \_\_\_\_\_

### STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL

### DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

6/12/08  
Date

Signature of Server

Scott Pocius

Address of Server

THE ARGUS AGENCY INC.  
1480 RENAISSANCE DR. STE 200  
PARK RIDGE IL 60068

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

**IN THE UNITED STATES DISTRICT COURT  
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EASTERN DIVISION**

CEMENT MASONS PENSION FUND, LOCAL 502; CEMENT MASONS INSTITUTE OF CHICAGO, ILLINOIS; CEMENT MASONS SAVINGS FUND, LOCAL 502; and CEMENT MASONS APPRENTICE EDUCATION AND TRAINING FUND, LOCAL 502,	)	
	)	
	)	
	)	
	)	
	)	
Plaintiffs,	)	No. 08 C 1473
	)	
	)	Judge Shadur
v.	)	
	)	Magistrate Judge Keys
	)	
LANAS CONSTRUCTION, INC.,	)	
an Illinois corporation,	)	
Defendant,	)	

**AFFIDAVIT**

I, Richard J. Wolf, upon being first duly sworn, on oath deposes and states:

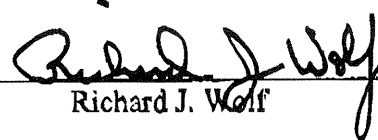
1. Affiant is President of the auditing firm of Richard J. Wolf & Company, Inc.
2. Our firm completed compliance audits for the Trustees of the Cement Masons Pension Fund Local 502, et. al., on LANAS CONSTRUCTION, INC. for the period January 1, 2005 through December 31, 2007.
3. The audit report found arrears owing to the Trustees of the Cement Masons Pension Fund Local 502, et. al., in the amount of \$11,420.18 benefits, \$1,713.03 liquidated damages and \$680.00 audit costs for a total of \$13,813.21.

**EXHIBIT B**

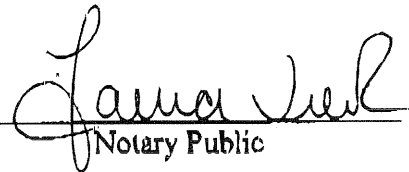
4. The total due the Plaintiffs including arrears, audit costs, and liquidated damages of 15 percent, but excluding attorney's fees and court costs is \$13,813.21 for Cement Masons Local 502, et. al.

5. Affiant is not currently suffering any infirmities and is competent to testify to all the foregoing.

FURTHER AFFLIANT SAYETH NOT.

  
Richard J. Wolf

SUBSCRIBED AND SWORN to  
before me this 18<sup>th</sup> day  
of July, 2008

  
Notary Public



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CEMENT MASONS PENSION FUND, LOCAL 502; CEMENT MASONS INSTITUTE OF CHICAGO, ILLINOIS; CEMENT MASONS SAVINGS FUND, LOCAL 502; and CEMENT MASONS APPRENTICE EDUCATION AND TRAINING FUND, LOCAL 502,

Plaintiffs,

v.

LANAS CONSTRUCTION, INC.,  
an Illinois corporation,

Defendant.

No. 08 C 1473

Judge Shadur

Magistrate Judge Keys

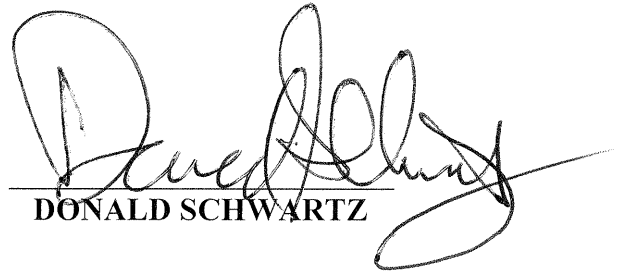
**AFFIDAVIT**

Donald D. Schwartz, upon being first duly sworn, on oath deposes and states:

1. Affiant is partner in the Law Firm Arnold & Kadjan handling this case.
2. Our firm has spent 5 hours in litigation in this matter.
3. Our normal rate is \$175.00 per hour.
4. Our firm charged the Cement Masons Pension Fund Local 502, et. al. \$875.00 in this matter.
5. Our firm charged \$350.00 for court filing fee and \$75.00 process fee.
6. Affiant is not currently suffering any infirmities and is competent to testify to all the foregoing.

## EXHIBIT C

FURTHER AFFIANT SAYETH NOT.



DONALD SCHWARTZ



